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10/553,607

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EXAMINER

BROPHY, MATTHEW J

ART UNIT

PAPER NUMBER

2191

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/553,607

Applicant(s)

BECKER ET AL.

Examiner

MATTHEW J. BROPHY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-25, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/18/2005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The Preliminary Amendment Filed November 3, 2006 has been entered.

***Claim Rejections - 35 USC § 102***

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 21-24 are rejected under 35 U.S.C. 102(a) as being anticipated by PCT Patent Application Publication WO 03/005192 Reimer et al, hereinafter Reimer.

Regarding Claim 21, Reimer teaches: Method for managing a computer system, the system operating with a plurality of computers in at least one group, the method comprising: assigning a service (e.g., ~~service A~~) to a group set of computers (WO Page 4, Lines 23-27, "In this embodiment the method further comprises the steps of selecting the version of said at least one application adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server Further, the code means of the computer program product is arranged to make the computer perform the following steps: selecting the version of said at least one application adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server."), shifting a service (e.g., ~~service A~~) that runs on a first computer (e.g., ~~computer 1~~) of the group to run on a second computer (e.g., ~~computer 2~~) in the group

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(WO Page 4, Lines 23-27, "In this embodiment the method further comprises the steps of selecting the version of said at least one application adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server Further, the code means of the computer program product is arranged to make the computer perform the following steps: selecting the version of said at least one application adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server."); and re-installing the operating system to the first computer (WO Page 15, Lines 14-15, "A server should be rebooted with another preconfigured operating system if, for in- stance, there is a need for more capacity in another preconfigured operating system.").

Regarding Claim 22, Reimer teaches: wherein shifting and re\- installing is repeated cyclically for all computers in the groups, thereby keeping the number of computers that are with the attribute re-installing the operating system smaller than the number of computers that are not re-installing the operating system with the attribute re-installed operating systems (WO Page 14, Lines 5-7 "1) send an order to the load balance unit, via the monitoring unit, to direct new users to an alternative server having the same operating system as the server being shut down.").

Regarding Claim 23, Reimer teaches: wherein shifting is accompanied by testing the service in parallel operation on the first computer and on the second computer, and

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disabling the operation of the service by the first computer only if the test is successful (WO Page 16, Lines 24-28, "When the spare server is up and running, any new users requiring the second type of operating system for the first type of applications, i. e. AP1 (OS2), are directed to server S5 by the load balance unit, which is controlled by the control unit CU via the monitoring unit MU. No new users are directed to the failing server S3.").

Regarding Claim 24, Reimer teaches: wherein the assigning step [assigning] is performed for services of a first class (~~e.g., controller services~~) to on a first group of computers and for services of a second class (~~e.g., monitor services~~) to on a second group of computers (WO Page 11, Lines 5-16, "Figure 4 shows a fourth embodiment of the present invention, comprising a large number of servers (S 1-Sn), n=6, n is larger than 1, all connected to the load balance unit LBU, as described in connection with figure 3, and to the storage unit SU. The function of the control unit CU and the monitoring unit MU is as described above, but the storage unit SU in this embodiment comprises a third memory location storing information regarding different applications for each standard operating system, In this example there are two different types of application configurations for each operating system: API (OS1), AP1 (OS1), AP2 (OS2), and AP2 (OS2). Examples of application configurations may be Word processing applications, database applications, Economy applications, etc. Alternatively, for service providers on the internet, the applications may be e-commerce applications,

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games or other programs, or applications providing information, such as news services.”).

Regarding Claim 29, Reimer teaches: A computer-readable medium containing instructions for execution by a processor for the practice of a method for managing a computer system, the instructions being capable of causing a processor to: assign a service to a group of computers (**WO Page 4, Lines 23-27, “In this embodiment the method further comprises the steps of selecting the version of said at least one application adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server Further, the code means of the computer program product is arranged to make the computer perform the following steps: selecting the version of said at least one application adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server.”**); shift a service that runs on a first computer of the group to run on a second computer in the group (**WO Page 4, Lines 23-27, “In this embodiment the method further comprises the steps of selecting the version of said at least one application adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server Further, the code means of the computer program product is arranged to make the computer perform the following steps: selecting the version of said at least one application**

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adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server.”); and re-install the operating system to the first computer (WO Page 15, Lines 14-15, “A server should be rebooted with another preconfigured operating system if, for in- stance, there is a need for more capacity in another preconfigured operating system.”).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-8, 10, 12-20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG Publication 2003/0140267 Abbondanzio et al hereinafter Abbondanzio in view of PCT Application Publication WO 03/005192 Reimer et al. hereinafter Reimer.

Regarding Claim 1, Abbondanzio teaches: A method for managing a computer system, the computer system operating with a plurality of blades, the method comprising: detecting the presence of a new blade in the computer system (**Abbondanzio Paragraph [0007]** The problems identified above are in large part addressed by a data processing system, referred to as a blade, comprising at least one main

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processor connected to a system bus, a system memory connected to the system bus and accessible to each of the main processors, a tamper mechanism, and a local service processor. The tamper mechanism is configured to change state each time the system is inserted into a slot in a rack enclosure. The local service processor on each blade is connected to the tamper mechanism and configured to update an insertion log upon detecting a change in state of the tamper mechanism. The insertion log provides a history of at least some rack insertions to which the system has been subjected. The system may include a non-volatile storage element accessible exclusively to the local service processor that contains the insertion log. The insertion log may include an insertion counter. In this embodiment, the local service processor is configured to increment the insertion counter upon each insertion. The local service processor may be further configured to issue an alert if the insertion counter exceeds a predetermined value. In one embodiment, the system further includes a battery backed real-time clock connected to the local service processor. The local service processor is configured to include real-time information corresponding to each insertion event in the insertion log. Each entry in the insertion log may include the identity of the rack enclosure and the geographical address of the slot of the corresponding insertion event. The local service processor may be configured to detect the tamper mechanism state and update the insertion following a power event such that the insertion log update is independent of configuring the data processing system with a boot image.”); Abbandanzio does not explicitly teach: installing an



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operating system on the new blade; configuring the operation system; and copying a service that is running on an earlier detected blade to the new blade

However, these limitations is taught by Reimer:

installing an operating system on the new blade (WO Page 15, Lines 14-15, "A server should be rebooted with another preconfigured operating system if, for instance, there is a need for more capacity in another preconfigured operating system."); configuring the operation system (WO Page 13 Lines 12-16, "If a privileged user has access to the server, the user may request a change of pre-configured operating system, thereby causing the control unit CU to select the de- sired preconfigured operating system and rebooting the server after the user has logged out from the server."); and copying a service that is running on an earlier detected blade to the new blade (WO Page 4, Lines 23-27, "In this embodiment the method further comprises the steps of selecting the version of said at least one application adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server Further, the code means of the computer program product is arranged to make the computer perform the following steps: selecting the version of said at least one application adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server."). In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of

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Abbondanzio with the OS updating techniques of Reimer, as Abbondanzio generally discusses the installation of Operating system and the update of software into new blades, while Reimer more specifically teaches a method of updating operating systems that allows the system to meet server demand.

Regarding Claim 2, Reimer further teaches: wherein installing the operating system is performed by accessing a mass storage that is part of the computer system (WO Page 9, Lines 4-8, **"The server is connected to a control unit CU, and to a storage unit SU. The storage unit may contain memory circuits, hard drives etc. The purpose of the storage unit is to store selected information that must be accessible to the system 10. The control unit CU is also connected to the storage unit 20 SU. The first memory location C: \ may also be located in the storage unit SU, as shown in fig. 2."**).

Regarding Claim 3, Reimer further teaches: wherein installing is performed by using scripts (WO Page 10, Lines 6-10, **"The monitoring unit helps the control unit CU to monitor the number of users accessing the server, monitor the load in the server, measures the up-time of the server, monitor any accidental or voluntary unauthorized action in the server by monitoring data consistency and/or detecting server data intrusion, etc. The control unit may also control the server S 1 via the monitoring unit MU."**).

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Regarding Claim 4, Reimer further teaches: wherein installing is performed by using scripts that are part of the service that is running on the computer system prior to detecting the new blade.

Regarding Claim 5, Reimer further teaches: wherein, between the detecting and installing steps, step the following is performed: monitoring system systems performance (WO Page 10, Lines 6-10, "The monitoring unit helps the control unit CU to monitor the number of users accessing the server, monitor the load in the server, measures the up-time of the server, monitor any accidental or voluntary unauthorized action in the server by monitoring data consistency and/or detecting server data intrusion, etc. The control unit may also control the server S 1 via the monitoring unit MU."); and continuing with installing upon reaching a predefined threshold of a measurement value (WO Page 15, Lines 14-15, "A server should be rebooted with another preconfigured operating system if, for instance, there is a need for more capacity in another preconfigured operating system.").

Regarding Claim 6, Reimer further teaches: wherein the measurement values are taken from at least one of the following: usage of processor resources (WO Page 15, Lines 14-15, "A server should be rebooted with another preconfigured operating system if, for instance, there is a need for more capacity in another

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**preconfigured operating system.”), processing times, usage of memory, remaining capacity of data storage, and communication parameters of a blade interface.**

Regarding Claim 7, Reimer further teaches: wherein monitoring is performed periodically **(WO Page 10, Lines 6-10, “The monitoring unit helps the control unit CU to monitor the number of users accessing the server, monitor the load in the server, measures the up-time of the server, monitor any accidental or voluntary unauthorized action in the server by monitoring data consistency and/or detecting server data intrusion, etc. The control unit may also control the server S 1 via the monitoring unit MU.”).**

Regarding Claim 8, Reimer further teaches: wherein monitoring is performed by monitoring processes that operate consecutively for adjacent blades **(WO Page 16, Lines 2-4, “Step 71 : The monitor unit MU monitors all 20 servers (SI-Sn) as described earlier.”).**

Regarding Claim 10, Reimer further teaches: wherein the measurement values are related to the blades independently **(WO Page 10, Lines 6-10, “The monitoring unit helps the control unit CU to monitor the number of users accessing the server, monitor the load in the server, measures the up-time of the server, monitor any accidental or voluntary unauthorized action in the server by monitoring data consistency and/or detecting server data intrusion, etc. The control unit may also control the server S 1 via the monitoring unit MU.”).**

11. (Currently Amended) The method of claim 6, wherein the processing times are related to processing times for incoming telephone calls[,] and a call rate, ~~in case the computer system operates 3n application with telephone c311 centre activity.~~ (Goddard et al [0048] “Referring first to Figure 1, a block diagram illustrates the main components of the system100. A client 102 transmits a client request for data via a network 104. For example, the client 102 may be an end user navigating a global computer network such as the Internet, and selecting content via a hyperlink. In this example, the data is the selected content. The network 104 includes, but is not limited to, a local area network (LAN), a wide area network (WAN), a wireless network, or any other communications medium. Those skilled in the art will appreciate that the client 102 may request data with various computing and telecommunications devices including, but not limited to, a personal computer, a cellular telephone, a personal digital assistant, or any other processor-based computing device.”).

Regarding Claim 12, Abbondanzio further teaches: wherein computer instructions to perform the [steps] detecting step are part of services that are running on the computer system (Abbondanzio Paragraph [0007] The problems identified above are in large part addressed by a data processing system, referred to as a blade, comprising at least one main processor connected to a system bus, a system memory connected to the system bus and accessible to each of the main processors, a

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tamper mechanism, and a local service processor. The tamper mechanism is configured to change state each time the system is inserted into a slot in a rack enclosure. The local service processor on each blade is connected to the tamper mechanism and configured to update an insertion log upon detecting a change in state of the tamper mechanism. The insertion log provides a history of at least some rack insertions to which the system has been subjected. The system may include a non-volatile storage element accessible exclusively to the local service processor that contains the insertion log. The insertion log may include an insertion counter. In this embodiment, the local service processor is configured to increment the insertion counter upon each insertion. The local service processor may be further configured to issue an alert if the insertion counter exceeds a predetermined value. In one embodiment, the system further includes a battery backed real-time clock connected to the local service processor. The local service processor is configured to include real-time information corresponding to each insertion event in the insertion log. Each entry in the insertion log may include the identity of the rack enclosure and the geographical address of the slot of the corresponding insertion event. The local service processor may be configured to detect the tamper mechanism state and update the insertion following a power event such that the insertion log update is independent of configuring the data processing system with a boot image.”)

Regarding Claim 13, Reimer further teaches: wherein computer instructions for the detecting and copying steps to perform the steps detecting to copying are performed

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according to criteria in the service that is running on the earlier detected blade (**WO Page 15, Lines 14-15, "A server should be rebooted with another preconfigured operating system if, for instance, there is a need for more capacity in another preconfigured operating system."**).

Regarding Claim 14, Reimer further teaches: wherein copying the service comprises copying[to copy] data accessible that is access from a the main memory of the earlier detected blade to a memory of the new blade (**WO Page 12, Lines 14-16, "Step 52: The next step of the process to reboot the server is to copy the booting data of the selected preconfigured operating system from the secure second memory location to the first memory location C: \."**).

Regarding Claim 15, Reimer further teaches: wherein copying the service comprises restarting to restart the service, wherein executable instructions of the service are loaded from a central storage and wherein an image of the process context of the service is transferred to the new blade **WO Page 9, Lines 4-8, "The server is connected to a control unit CU, and to a storage unit SU. The storage unit may contain memory circuits, hard drives etc. The purpose of the storage unit is to store selected information that must be accessible to the system 10. The control unit CU is also connected to the storage unit 20 SU. The first memory location C: \ may also be located in the storage unit SU, as shown in fig. 2."**).

Regarding Claim 16, Reimer further teaches: wherein copying the service comprises modifying to modify the version of the service (**WO Page 4, Lines 13-21, "Preferably the arrangement further comprises storage means comprising at**

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least a first and a second version of a first application, said first version being adapted to the first operating system (OS1) and said second version being adapted to the second operating system (OS2), control means for selecting the version of said at least one application adapted to the selected preconfigured operating system to be downloaded to the first server, said application being control means for downloading and installing the at least one application to the first memory location of the first server.”).

Regarding Claim 17, Reimer further teaches: wherein installing the operating system comprises modifying to modify the system (WO Page 15, Lines 14-15, “A server should be rebooted with another preconfigured operating system if, for instance, there is a need for more capacity in another preconfigured operating system.”).

Regarding Claim 18, Reimer further teaches: wherein characterized in performing the method is performed for at least 3 blades, the method further compromising subsequent execution of a controller service, an engine service, and a monitor service, the services belonging to a same business application (WO, Page 11, Lines 5-7, “Figure 4 shows a fourth embodiment of the present invention, comprising a large number of servers (S 1-Sn), n=6, n is larger than 1, all connected to the load balance unit LBU, as described in connection with figure 3, and to the storage unit SU.”).

Regarding Claim 19, Reimer further teaches: controlled by a controller residing on at least one blade, wherein the controller further performs at least one function further



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functions selected from the group of: testing the copy of the service on the new blade, and modifying the execution of the service on the earlier detected blade if incase the copy of the service operates successfully (**WO Page 15, Lines 14-15, "A server should be rebooted with another preconfigured operating system if, for instance, there is a need for more capacity in another preconfigured operating system."**).

Regarding Claim 20, wherein modifying comprises stopping to step the service on the earlier detected blade (**WO Page 15, Lines 14-15, "A server should be rebooted with another preconfigured operating system if, for instance, there is a need for more capacity in another preconfigured operating system."**).

Regarding Claim 28, Abbondanzio teaches: computer-readable medium comprising instructions for execution by a processor for the practice of a method for managing a computer system, the instructions being capable of causing the processor to: detect the presence of a new blade in the computer system(**Abbondanzio Paragraph [0007] The problems identified above are in large part addressed by a data processing system, referred to as a blade, comprising at least one main processor connected to a system bus, a system memory connected to the system bus and accessible to each of the main processors, a tamper mechanism, and a local service processor. The tamper mechanism is configured to change state each time the system is inserted into a slot in a rack enclosure. The local service processor on each blade is connected to the tamper mechanism and configured to update an insertion log upon detecting a change in state of the tamper**

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mechanism. The insertion log provides a history of at least some rack insertions to which the system has been subjected. The system may include a non-volatile storage element accessible exclusively to the local service processor that contains the insertion log. The insertion log may include an insertion counter. In this embodiment, the local service processor is configured to increment the insertion counter upon each insertion. The local service processor may be further configured to issue an alert if the insertion counter exceeds a predetermined value. In one embodiment, the system further includes a battery backed real-time clock connected to the local service processor. The local service processor is configured to include real-time information corresponding to each insertion event in the insertion log. Each entry in the insertion log may include the identity of the rack enclosure and the geographical address of the slot of the corresponding insertion event. The local service processor may be configured to detect the tamper mechanism state and update the insertion following a power event such that the insertion log update is independent of configuring the data processing system with a boot image.”); Abbandanzio does not explicitly teach: installing an operating system on the new blade; configuring the operation system; and copying a service that is running on an earlier detected blade to the new blade.

However, these limitations is taught by Reimer:

install an operating system on the new blade (WO Page 13 Lines 12-16, “If a privileged user has access to the server, the user may request a change of pre-configured operating system, thereby causing the control unit CU to select the

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de- sired preconfigured operating system and rebooting the server after the user has logged out from the server.”); configure the operation system (WO Page 13

• Lines 12-16, “If a privileged user has access to the server, the user may request a change of pre- configured operating system, thereby causing the control unit CU to select the de- sired preconfigured operating system and rebooting the server after the user has logged out from the server.”); and copy a service that is running on an earlier detected blade to the new blade (WO Page 4, Lines 23-27, “In this embodiment the method further comprises the steps of selecting the version of said at least one application adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server Further, the code means of the computer program product is arranged to make the computer perform the following steps: selecting the version of said at least one application adapted to the selected precon- figured operating system to be downloaded to the first server, downloading and installing the at least one application to the first memory location of the first server.”). In addition, it would have been obvious

to one of ordinary skill in the art at the time of the invention to combine the teachings of Abbondanzio with the OS updating techniques of Reimer, as Abbondanzio generally discusses the installation of Operating system and the update of software into new blades, while Reimer more specifically teaches a method of updating operating systems that allows the system to meet server demand.

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5. Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Application Publication WO 03/005192 Reimer et al. hereinafter Reimer as applied to claim 21 above, and further in view of US PG Publication 2003/0140267 Abbondanzio et al.

Regarding Claims 25, Abbondanzio further teaches: wherein the applied for computers that are blades (Abbondanzio Paragraph [0007] The problems identified above are in large part addressed by a data processing system, referred to as a blade, comprising at least one main processor connected to a system bus, a system memory connected to the system bus and accessible to each of the main processors, a tamper mechanism, and a local service processor. The tamper mechanism is configured to change state each time the system is inserted into a slot in a rack enclosure. The local service processor on each blade is connected to the tamper mechanism and configured to update an insertion log upon detecting a change in state of the tamper mechanism. The insertion log provides a history of at least some rack insertions to which the system has been subjected. The system may include a non-volatile storage element accessible exclusively to the local service processor that contains the insertion log. The insertion log may include an insertion counter. In this embodiment, the local service processor is configured to increment the insertion counter upon each insertion. The local service processor may be further configured to issue an alert if the insertion counter exceeds a predetermined value. In one embodiment, the

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**system further includes a battery backed real-time clock connected to the local service processor. The local service processor is configured to include real-time information corresponding to each insertion event in the insertion log. Each entry in the insertion log may include the identity of the rack enclosure and the geographical address of the slot of the corresponding insertion event. The local service processor may be configured to detect the tamper mechanism state and update the insertion following a power event such that the insertion log update is independent of configuring the data processing system with a boot image.”).** In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Abbondanzio with the OS updating techniques of Reimer, as Abbondanzio generally discusses the installation of Operating system and the update of software into new blades, while Reimer more specifically teaches a method of updating operating systems that allows the system to meet server demand.

6. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Abbondanzio et al hereinafter Abbondanzio in view of PCT Application Publication WO 03/005192 Reimer et al. hereinafter Reimer. as applied to claim 6 above, and further in view of US PG Publication 2004/0255191 Fox et al hereinafter Fox.

Regarding Claim 9 Abbondanzio in view of Reimer teaches the limitations of claim 6 as applied above, but does not explicitly teach the limitations: wherein monitoring is performed by a token ring technique. However Fox teaches: wherein monitoring is performed by a token ring technique.(Fox [0019] “Referring now to FIG.

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**3, selected elements of a local area network or LAN 117 suitable for use with an embodiment of the present invention is depicted. LAN 117 includes a set of interconnected data processing systems and a management server 125 all connected to an Ethernet intranet 130 although token ring and other network connectivity implementations may be used. Management server 125 is a dedicated server for monitoring the configuration and functionality of the data processing elements in LAN 117. Management module 120 is configured to facilitate communication between blade center 111 and management server 125.”)**

In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Abbondanzio in view of Reimer with the teachings of Fox as fox teaches a blade server system similar to that of Abbondazio and the use of token ring communication as a server system provides a well known communication technique for such a server system whose benefits include increased reliability among others.

Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Abbondanzio et al hereinafter Abbondanzio in view of PCT Application Publication WO 03/005192 Reimer et al. hereinafter Reimer. as applied to claim 1. above, and further in view of US PG Publication 2003/0046394 Goddard et al hereinafter Goddard.

Regarding Claim 11, Abbondanzio in view of Reimer teach the limitations of Claim 1 as described above. However, they do not explicitly teach: The method of claim 6, wherein the processing times are related to processing times for incoming telephone calls[.,.] and a call rate, incase the computer system operates 3n application with

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~~telephone c311 centre activity.~~ (Goddard et al [0048] "Referring first to Figure 1, a block diagram illustrates the main components of the system100. A client 102 transmits a client request for data via a network 104. For example, the client 102 may be an end user navigating a global computer network such as the Internet, and selecting content via a hyperlink. In this example, the data is the selected content. The network 104 includes, but is not limited to, a local area network (LAN), a wide area network (WAN), a wireless network, or any other communications medium. Those skilled in the art will appreciate that the client 102 may request data with various computing and telecommunications devices including, but not limited to, a personal computer, a cellular telephone, a personal digital assistant, or any other processor-based computing device.""). In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Abbondanzio in view of Reimer with the teachings of Goddard as Abbondanzio in view of Reimer teaches a method of dealing with network server demand and the cellular telephone network discussed in Goddard is an example of such a network.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. BROPHY whose telephone number is . The examiner can normally be reached on Monday-Thursday 8:00AM-5:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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MJB

2/14/2008



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